



CITY OF MIAMI SPRINGS, FLORIDA

The Miami Springs **City Council** met in regular session on Monday, April 25, 2011 and during the meeting sat as the **Board of Appeals**. The meetings were held in the Council Chambers at City Hall, beginning at 7:00 p.m. On **ROLL CALL** the following were present:

1) CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:20 p.m.

The following were present:

Mayor Xavier García
Vice Mayor Bob Best
Councilman Dan Espino
Councilman George V. Lob
Councilwoman Jennifer Ator

Also Present:

City Manager James R. Borgmann
Assistant City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
City Clerk Magali Valls

Sitting as the **Board of Appeals**, Council took the following actions:

2) MINUTES OF REGULAR MEETING: *(approved after Item 3)*

Minutes of the October 12, 2009 Board of Appeals meeting were approved as written.

Councilman Lob moved to approve the minutes. Vice Mayor Best seconded the motion which carried 4-0 on roll call vote with Mayor Garcia abstaining.

3) NEW BUSINESS:

Case # 25-V-10

C. Robert Wojciechowski

830 Plover Ave.

Zoning: R-1C; Single-Family Residential

Lot Size: 75 ft. x 124 ft.

Applicant is seeking a variance from Code Section 150-011 Utility shed (B) to increase the size of an existing shed from 80 sq. ft. to 160 sq. ft.

City Attorney Jan K. Seiden stated that since this is a relatively simple case, he offered to handle it for City Planner Richard Ventura.

City Attorney Seiden explained that the applicant, Mr. Wojciechowski, came before the Board of Adjustment in December 2010, and asked that the case be taken off the table pending a review of the existing shed ordinance by Council. As of this date, the review has not taken place and Mr. Wojciechowski requested a variance from Code Section 150-011 (B) that was heard at the April 4th Board of Adjustment meeting.

The Code Section basically says that utility sheds shall be limited in size to not more than 100 square feet and there shall be no more than one utility shed per site, according to Attorney Seiden. Mr. Wojciechowski was requesting a 180 square foot shed and since there was no hardship the Board of Adjustment properly denied the variance request and they suggested that he appeal the case and see if Council is willing to entertain a possible amendment to the Code.

C. R. Wojciechowski of 830 Plover Avenue stated that he owns a lot of yard equipment and tools that are currently being stored outside, including his hurricane shutters. His back yard is very large and the proposed shed would cover approximately 3%. He was of the opinion that it would be very beneficial to the City to change the ordinance by including a percentage for green space as opposed to limiting the size of the shed to 10' x 10'. He is proposing to purchase a shed that meets all hurricane codes with a tile roof. Drawings of the proposed shed were distributed on the dais.

City Attorney Seiden said that any land owner can build an additional building as opposed to installing a prefabricated shed, but there is quite a difference in the cost.

To answer Councilwoman Ator's question, City Attorney Seiden clarified that the variance request is only related to the size of the shed.

Councilman Espino stated that a similar problem that has not yet been addressed is related to driveways. A standard lot in the City is 75' x 100' and there are some lots that are significantly smaller and larger. There is a "one size fits all" ordinance that is inequitable and this situation is the same in regard to the utility shed ordinance. The applicant's lot is above the standard size and perhaps a model could be developed with a sliding scale percentage as it pertains to the lot size.

City Attorney Seiden explained that the lot coverage in the rear yard cannot exceed 15% and that is a limitation in and of itself.

Councilman Lob agreed with Councilman Espino that the requirements for the size of the shed should be a percentage based on the size of the property.

Vice Mayor Best commented that Council has heard numerous appeals and each one is a very interesting case. Based on the variance and the scope of the variance the applicant cannot demonstrate a hardship, but he can improve his property with the proposed shed. There is no question that the shed would effectively improve the property.

Mr. Wojciechowski clarified that the proposed shed is 160 square feet; his existing shed is 80 square feet.

Vice Mayor Best felt that the proposed shed would be an enhancement to the neighborhood; there were no responses to the courtesy notices that were sent out.

Mr. Wojciechowski added that the setback requirement is 5-feet and the proposed shed setback will be 9-feet.

Councilman Espino suggested using 7,500 square feet as a standard and every additional 500 square feet of total yard size could qualify for additional square footage for utility sheds in addition to the 15% coverage restriction.

City Attorney Seiden also recommended placing a cap on the size of the shed. He said that in this situation he would recommend that Council uphold the action of the Board of Adjustment denying the variance with assurance to the applicant that they will work on an ordinance amendment. He will consult with the Building Department and work out a formula.

Councilwoman Ator did not feel that the ordinance should be too complicated considering the 15% limitation because it will only add 60 square feet to the current provision for sheds. It would be easier for the citizens to understand that they are limited to a shed of 160 square feet.

Councilman Espino explained that creating an equitable standard that can apply across the board would alleviate this same type of situation from happening in the future. The same model could also be applied to canopies, driveways, etc.

Vice Mayor Best also wanted to be more simplistic so that all applications are addressed. In this case, he would be willing to approve the variance.

City Attorney Seiden asked Council to consider the biggest shed they would approve, regardless of percentages.

Councilman Lob stated that he would not want a 250 square foot shed on a small lot, while a shed that size would be appropriate on a lot with plenty of space on the Golf Course.

City Attorney Seiden suggested lot sizes ranging from 5,000 to 6,000 square feet and 6,000 to 7,500 square feet.

Vice Mayor Best would like the City Attorney to draft language for a proposed ordinance amendment before the next Council meeting in order to allow the applicant to proceed.

Mayor Garcia stated that he would like a formula based on a percentage. He asked what can be done to give the applicant permission to move forward.

Attorney Seiden clarified that all Council can do is to change the ordinance quickly, knowing that it will have to be amended again. He would not recommend granting a variance.

To answer Councilman Lob's question, the City Attorney explained that it would take at least one month to amend the ordinance since two public hearings are required; it could be approved at the second meeting in May.

Mr. Wojciechowski stated that it would be beneficial to the entire community to change the antiquated ordinances.

Mayor Garcia assured the applicant that Council will be reviewing the ordinances during the next two years.

Councilman Espino moved to uphold the actions of the Board of Adjustment denying the variance. Councilman Lob seconded the motion which was carried 4-0 on roll call vote, with Vice Mayor Best casting the dissenting vote.

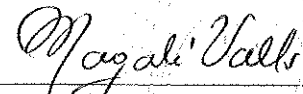
4) OTHER BUSINESS:

None.

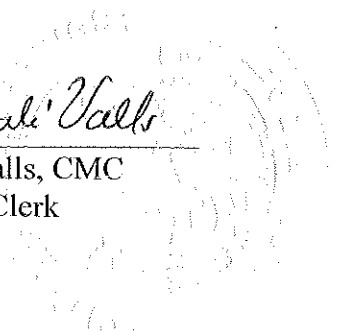
5) **ADJOURNMENT**

There was no additional business to be considered by the Council sitting as the Board of Appeals and the meeting was adjourned at 7:38 p.m. to the Council Regular Meeting.

Respectfully submitted,



Magali Valls, CMC
City Clerk



Approved as written during meeting of: 6-13-2011.

Transcribed from digital recording by S. Hitaffer